

House Bill 939

By: Representatives Hugley of the 133rd and Smyre of the 132nd

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to grand juries, so as to provide that an oath shall be given to all witnesses before the grand jury; to provide that unsworn testimony shall be disallowed and an action based upon unsworn testimony shall be void; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 4 of Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to grand juries, is amended by revising Code Section 15-12-68, relating to an oath of witnesses, as follows:

"15-12-68.

(a) The following oath shall be administered to all witnesses, including, without limitation, law enforcement officers, in criminal cases before the grand jury:

'Do you solemnly swear or affirm that the evidence you shall give the grand jury on this bill of indictment or presentment shall be the truth, the whole truth, and nothing but the truth? So help you God.'

(b) Any oath given that substantially complies with the language in this Code section shall subject the witness to the provisions of Code Section 16-10-70.

(c) Failure properly to swear witnesses shall cause unsworn testimony to be disallowed for all purposes. Any action taken by a grand jury based in whole or in part on unsworn testimony, including, without limitation, any 'true bill' or 'no bill' on a indictment, shall be void."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.